IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A.NO. 736 /2003 Division Bench

APPELLANTS CLAIMANTS

~~Nakul Suryawanshi, age 45 years, son of Shri Samelal Suryawanshi.~~

Smt. Bahtarin Bai, aged about 40 years, wife of Shri Nakul Surywanshi.

Satish Kumar, aged about 10 years, (Minor) ~~son of Nakul Suryawanshi~~ through : natural guardian ~~Nakul~~ Mata Bahtarin ~~Suryawanshi~~.

All are resident of village Uchchbhatti, P.S. Seepat, Tah. Seepat, Distt. Bilaspur (Chhattisgarh).

VERSUS

RESPONDENTS DEFENDANTS

1. Shankar Dayal Surywansi aged about 21 years, son of Shri Gendram Suryawanshi, resident of village Seller, P.S. and Tah. Seepat, Bilaspur (Chhattisgarh).

2. Lakhanlal Suryawanshi, aged about 50 years, son of Shri Vipatlal Suryawanshi, resident of village Uchchbhatti, P.S. and Tah. Seepat, Bilaspur (C.G.)

3. Branch Manager, the Oriental Insurance Company Limited, Dayalband, Bilaspur (CG)

(2)

MISCELLANEOUS APPEAL UNDER SECTION 173 OF THE MOTOR VEHICLES ACT, 1988 FOR ENHANCEMENT OF THE AMOUNT OF AWARD.

HIGH COURT OF CHHATTISGARH : BILASPUR
(LOK ADALAT)

MISCELLANEOUS APPEAL NO. 736 of 2003

Appellant : Nakul Suryawanshi & others

Versus

Respondents: Shankar Dayal Suryawanshi & others

(Arising out of Claim Case No. 20 of 2001

03/02/2007

Appellant No.2 - Smt Bahatarin Bai appears in person for herself and minor i.e. appellant No.3 (Satish Kumar) with Shri MK Bhaduri, counsel for the appellants.

None for respondents No. 1 & 2.

Shri J.M. Gairola, Divisional Manager, Oriental Insurance Company Limited with Shri Ali Asgar, counsel for respondent No.3.

In view of death of appellant No.1 - Nakul Suryawanshi, IA No.345/2007 has been filed for deletion of his name from the array of cause title.

Not opposed.

Considered. Allowed.

During the course of day, name of appellant No.1 should be deleted and names of other appellants be kept in chronological order.

Appellant No.2 - Smt Bahatarin Bai filed an application along with affidavit for permission to compromise the matter on behalf of minor - appellant No.3 (Satish Kumar).

Not opposed.

Considered. Allowed.

Smt Bahatarin Bai also prays to incorporate her name as natural guardian of Satish Kumar in place of Nakul Suryawanshi, as he died.

Not opposed.

Considered. Allowed.

During the course of day, name of Smt Bahatarin Bai be corrected as natural guardian of Satish Kumar, in place of Nakul Suryawanshi.

In terms of compromise, award is passed as below:-

1) In addition to compensation already awarded by the Tribunal, respondent No.3 shall pay Rs.50,000/- (Rupees fifty thousand only) to the appellants.

2) For disbursement and deposit in FDR, the direction and ratio adopted by the Tribunal, if any, shall follow.

3) The amount, if any, kept in deposit with Bank shall be payable under the orders of Tribunal in accordance with law.

4) Appellants shall be entitled to receive interest on the amount so deposited, if any.

5) In view of the above, appeal against respondents No.1 & 2 stands dismissed.

6) Out of the above amount, Rs. 500/- (Rupees five hundred only) shall be paid to counsel for the appellants directly by the Insurance Company towards counsel fee.

7) If the amount awarded is not deposited within a period of one month, the Insurance Company shall be liable to pay interest at the rate of 9% per annum thereafter.

8) Copy of the award shall be given to the parties free of cost.

Sd/-
V.K. Shrivastava
Judge -Lok Adalat
High Court of Chhattisgarh
Bilaspur

Sd/-
Member – Lok Adalat
High Court of Chhattisgarh
Bilaspur

padma